

REMARKS

Claims 1-29 are currently pending. The Examiner has rejected Claims 1-12 and 16-29 under 35 U.S.C. 102 as being anticipated by Hoffert '260; and, has rejected Claims 13-15 under 35 USC 103 as being unpatentable over the teachings of Hoffert '260 in view of Hoffert '892.

Applicants first note that the cited teachings of the Hoffert '260 patent should not be available as prior art against the present application. The Hoffert '260 patent application was filed on 2/28/00 (after the effective date of 10/6/98 for the present application) as a continuation in part of the '549 application, which was filed on 3/29/99 as a continuation of the '892 application. While the '549 application would be entitled to an effective date as of the filing date of the '892 application (i.e., 4/30/97) since it is a straight continuation thereof and would contain the exact disclosure as the parent application, the '260 application would not be entitled to that earlier date for any of the subject matter which was added to the '260 application and which did not appear in the parent application. Since the teachings of the '260 application which are being relied upon for this Office Action do not appear in the '892 patent, it must be concluded that those teachings were added in the continuation in part application and are not entitled to the earlier filing date. Accordingly, those '260 patent teachings which are not found in the '892 patent have an

Y0998-393

effective filing date of 2/28/00, which is later than the filing date of the present patent application.

While Applicants maintain that the Hoffert '260 patent is not available as a reference against the present application, Applicants will nonetheless address the rejections in the interest of advancing the prosecution of the application. Applicants respectfully assert that, even if the Hoffert '260 patent teachings were available as a prior art reference, the claims of the present application are neither anticipated by nor obviated by the Hoffert '260 patent, alone or in combination with the Hoffert '892 patent.

The present invention is directed to a system and method for transcoding a multimedia presentation for delivery and display wherein the content of the multimedia presentation is analyzed and the transcoding is done based on that analysis. As expressly taught in the present application, the content of the multimedia presentation is separated into multimedia objects and the multimedia objects are analyzed (see: page 8, lines 18 et seq.). Thereafter, based on the analysis, the multimedia objects are transcoded, for example by converting between modalities, changing fidelity, or substituting objects (see: e.g., page 10, lines 7-14). Applicants respectfully assert that neither of the cited prior art references teaches or suggests analyzing the content of a multimedia presentation and then transcoding based on the content analysis.

The Hoffert '260 patent teaches a method and apparatus for uploading, indexing, searching, and displaying multimedia content (see: the Abstract). Hoffert '260 details methods for indexing uploaded files for retrieval at a user location. The Hoffert '260 method includes locating files using URLs and predefined HTML tag types (Col. 3, line 59-Col. 4, line 1 and Col. 4, lines 53-64), loading the files or previews thereof, indexing the stored files, and adding user annotations to the stored files (Col. 9, lines 31 and Col. 16, lines 16-18). Hoffert '260 also provides method steps for extracting some file information as a preview for the user (Col. 10, line 58 et seq.).

Hoffert '260 states that the method steps include analyzing content. However the extent of content analysis teachings comprise the passage found in col. 10, lines 1-9, with reference to Fig. 1 at reference numerals 101-103, wherein Hoffert '260 states that the content is determined to be either audio or video. Hoffert '260 separates the multimedia into audio and video components. Hoffert '260 does not, however, teach or suggest that the content of the audio component and/or the content of the video component be analyzed. Separating the multimedia content into media types/components is not the same as or suggestive of analyzing the content thereof. Accordingly, Applicants disagree with the Examiner's application of the Hoffert '260 "content analysis" teachings to the claim language. The Examiner cites the passage found in Col. 3 at lines 8-9 as

YO998-393

10

teaching that Hoffert '260 analyzes content. While the words "analyzing the content of the media files" are found on those lines, it is clear from a thorough review of Hoffert '260 that no analysis of multimedia content is being conducted. The Examiner further cites the passage from Col. 3, lines 12-19 against Claims 4 and 5 which further refine the analyzing step. What Hoffert '260 teaches in col. 3, lines 12-19 is the step of "(2) examining the media files for content (101-105)" (at line 15). A step of examining the media files for content, such that Hoffert '260 asks "is it audio or is it video?", clearly does not anticipate a claimed step and means for analyzing the content of a multimedia presentation (method Claim 1, Claims 2-24 and 29 which depend therefrom, system Claim 25 and Claim 26 which depends therefrom, and program storage device Claim 27, and Claim 28 which depends therefrom). Moreover, Applicants respectfully assert that the cited teachings neither anticipate nor obviate the further steps of analyzing the content by separating a multimedia document into individual multimedia objects and analyzing each multimedia object individually (Claim 4), or further separating the multimedia objects into individual modal elements and analyzing each modal element of each multimedia object (Claim 5).

Applicants further contend that the Hoffert '260 patent does not teach or suggest the claim step of performing transcoding based on analyzing of content. Applicants reiterate that Hoffert '260 does not teach the claimed content analyzing. Moreover,

Hoffert '260 does not teach that transcoding is performed based on the analyzing. While Hoffert '260 does teach transcoding of previews and/or media files, Hoffert '260 does not teach or suggest that files be transcoded based on the results of content analysis. Rather, at Col. 11, lines 37 et seq, Hoffert '260 teaches that the media file or preview be transcoded from the available file format to another format, giving a user the ability to "generate, store and view the media file in one or more other file formats". The basis for transcoding is the file format, not file content or analysis thereof. Clearly Hoffert is not transcoding based on content.

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Hoffert '260 patent does not teach analyzing the content of a multimedia presentation, and does not teach transcoding based on the analyzing, it cannot be maintained that the Hoffert '260 patent anticipates the language of the independent claims, Claims 1, 25 and 27, or those claims which depend therefrom.

The Examiner has additionally cited the Hoffert '892 patent in rejecting the language of Claims 13-15. Applicants respectfully assert that the Hoffert '892 patent does not provide those teachings which are missing from the Hoffert '260 patent. The Hoffert '892 patent teaches a method and apparatus for searching for media content and for delivering a predetermined

Y0998-393

12

portion (i.e., a preview) of the media content for display after it has been retrieved (see: Col. 19, lines 56-63 of the '892 patent). The delivery of the portion of the media content comprises selecting a predetermined portion (i.e., the preview) and displaying that portion. The Hoffert '892 patent does not analyze the content of a multimedia presentation and perform transcoding based on the analysis, as is expressly recited in all of the pending claims. Hoffert merely selects the predetermined portion which has been pre-specified for or by the user to use as a preview. In the most recent Office Action, the Examiner has cited the Hoffert '892 patent teachings from Col. 21, lines 45-49 and Col. 22, lines 27-33 and 49-61, wherein Hoffert '892 teaches scaling of file information to create previews. At Col. 21, lines 45-49, Hoffert '892 teaches luminance scaling and in Col. 22, Hoffert '892 teaches extracting information from the header of a media file for use in image scaling to reduce the bandwidth required for the storage and transmission or display of previews. Applicants respectfully contend that reading information from the header of a media file is not the same as or suggestive of the invention as claimed in Claims 13-15. The invention as claimed in Claims 13-15 includes the step of classifying visual content into image type, image purpose, and semantic classes (Claims 10-12), and then extracting color and texture features (Claim 13), and using image type (Claim 14) or image purpose (Claim 15) to select from compression, size reduction, color reduction,

YO998-393

13

substitution and removal for transcoding. Clearly the Hoffert '892 patent teachings regarding scaling to reduce the luminance or bandwidth of a predefined preview do not render the claim language obvious. Hoffert is merely using file header information to create a preview, whereas the claimed invention is using the results of content analysis to transcode the multimedia content. Applicants contend that the combination of Hoffert patent teachings does not render the claims obvious.

Based on the foregoing amendments and remarks, Applicants request withdrawal of the rejections and issuance of the claims.

Respectfully submitted,
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